

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
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FM USMISSION USBERLIN  
TO SECSTATE WASHDC 6667  
AMEMBASSY BONN  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
USMISSION USNATO

C O N F I D E N T I A L USBERLIN 0917

E.O. 11652: GDS  
TAGS: PGOV, BQG, AKB  
SUBJECT: TRIAL OF 2 JUNE MOVEMENT TERRORISTS: ROLE OF THE FEDERAL  
PROSECUTOR

REF: USBERLIN 0881

1. DURING 18 APRIL SESSION OF TRIAL, COURT-APPOINTED DEFENSE  
LAWYERS AGAIN ASKED (SEE REFTEL) TO BE RELIEVED OF THEIR DUTIES.  
BUNDESANWALT VOELZ SPOKE FOR THE PROSECUTION AGAINST THE RE-  
QUEST. HOWEVER, DURING HIS REMARKS, HE IMPLIED THAT SOME OF THE  
DEFENSE LAWYERS WERE SYMPATHIZERS OF THE TERRORIST SCENE. THE  
WAHLVERTEIDIGER (LAWYERS FREELY CHOSEN BY DEFENDANTS) THEN ASKED  
THE COURT TO HAVE VOELZ REMOVED AND TO STOP THE TRIAL. THE COURT  
RULED AGAINST THIS REQUEST.

2. IT IS QUITE LIKELY THAT NOW THE DEFENSE WILL USE A TACTIC  
WHICH HAS BEEN EMPLOYED IN THE PAST IN ORDER TO CAUSE TROUBLE FOR  
THE PROSECUTION WITH AN AIM TO DISRUPT THE PROCEEDINGS. THIS  
TACTIC WOULD INVOLVE A REQUEST FROM DEFENSE COUNSEL TO  
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THE GENERALBUNDESANWALT, REBMANN, IN KARLSRUHE TO REMOVE  
VOELZ.

3. BRITISH LEGAL ADVISER WAS FIRST ADVISED OF THESE  
DEVELOPMENTS. (INASMUCH AS TRIAL IS TAKING PLACE IN THE  
BRITISH SECTOR, WE UNDERSTAND THAT INFORMAL LINES OF  
COMMUNICATION HAVE BEEN OPENED BETWEEN BRITISH AND

BERLIN AUTHORITIES IN ORDER TO CONVEY IN A TIMELY MANNER PERTINENT INFORMATION CONCERNING THE PROCEEDINGS.) HE IMMEDIATELY GOT IN CONTACT WITH US AND FRENCH LEGAL ADVISERS. LEGAL ADVISERS, RECALLING ALLIED INJUNCTION TO GERMAN AUTHORITIES THAT TRIAL WAS TO BE HANDLED BY FRDERAL PROSECUTOR IN BERLIN AND NOT BY FEDERAL PROSECUTOR IN KARLSRUHE CONCLUDED THAT IF DEFENSE COUNSEL RAISED MATTER WITH REBMANN, HE SHOULD IMMEDIATELY REFER THE QUESTION TO OBERLE, HEAD OF THE FEDERAL PROSECUTOR'S OFFICE IN BERLIN, AND THAT IF REBMANN IS ASKED BY THE PRESS TO COMMENT ON THE MATTER HE SHOULD REFER THEM TO OBERLE.

4. BRITISH LEGAL ADVISER CONTACTED OBERLE AND PASSED ON OUR VIEWS. OBERLE FAVORED OUR CONCLUSION AND STATED HE WOULD TRANSMIT OUR VIEWS TO REBMANN AS SOON AS POSSIBLE. WE ALSO CONTACTED BONN EMBASSIES AND CONVEYED OUR VIEWS. EMBASSIES CONCUR IN CONCLUSION AND HAVE ADVISED THE FRG.

5. COMMENT: GIVEN THE HIGH LEVEL OF THE REVIEW OF SUBJECT MATTER IN THE PAST, BERLIN MISSIONS WILL SEEK WHENEVER POSSIBLE TO CONSULT WITH EMBASSIES IN BONN BEFORE ADVISING OBERLE AND OTHERS ON MATTERS RELATED TO THE TRIAL. HOWEVER, THIS FIRST INSTANCE OF ISSUANCE OF SUCH ADVICE SINCE THE TRIAL HAS BEEN IN PROGRESS REFLECTS CONFIDENTIAL

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THAT IT WILL PROBABLY BE NECESSARY FOR ALLIES TO GIVE THEIR VIEWS TO OBERLE VERY QUICKLY. IN SUCH CIRCUMSTANCES, BERLIN MISSIONS WILL SEEK TO DEAL WITH THE MATTER IN A MANNER COMPARABLE TO PRESENT CASE. GEORGE

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## Message Attributes

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